

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 7/26/12

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Modification No. 1 to Agreement with LBYD, Inc. – Civil & Structural Engineers

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with LBYD, Inc. – Civil & Structural Engineers for Engineering Design Services for Redstone Gateway Package 1I-Lake F Expansion, Project No. 65-12-SP23, by Modification No. 1

12-439

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

This modification is for the incorporation of three (3) fountains within Lake F for a total modification amount of \$2,429.00. Account No. 05-6500-0811-4005

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Donnie Adam

Date: 7/3/12

revised 3/12/2012

Donnie Adam
7-2-12

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: 7/26/12

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification No. 1**

Document Name: **LBYP-Redstone Gateway Package 1I-Project No.**

City Obligation Amount: **\$2,429.00**

Total Project Budget: **\$86,079.00**

Uncommitted Account Balance: **0**

Account Number: **05-6500-0811-4005**

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Donnis Adam</i>	7/3/12
2) Legal	<i>Mary C. Cato</i>	7/8/12
3) Finance <i>AC</i>	<i>As of</i>	7/9
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 12-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 1 to the Agreement with LBYD, Inc.- Civil & Structural Engineers, adopted and approved on the 24th day of May, 2012, by the City Council of the City of Huntsville, Alabama by Resolution No. 12-439, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from EIGHTY-THREE THOUSAND SIX HUNDRED FIFTY AND NO/100 DOLLARS (\$83,650.00) to EIGHTY-SIX THOUSAND SEVENTY-NINE AND NO/100 DOLLARS (\$86,079.00), including this Modification No. 1, an increase of TWO THOUSAND FOUR HUNDRED TWENTY-NINE AND NO/100 DOLLARS (\$2,429.00). Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between City of Huntsville and LBYD, Inc.-Civil & Structural Engineers for Engineering Design Services for Redstone Gateway Package 1I-Lake F Expansion, Project No. 65-12-SP23, as adopted by Resolution No. 12-439 of May 24, 2012" consisting of a total of three (3) pages plus two (2) additional pages consisting of Attachment "A", and the date of July 26, 2012 appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 26th day of July, 2012.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 26th day of July, 2012.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)
Modification No. 1 to Agreement between
the City of Huntsville and LBYD, Inc.-
Civil & Structural Engineers for
Engineering Design Services for Redstone
Gateway Package 1I-Lake F Expansion,
Project No. 65-12-SP23, as adopted by
Resolution No. 12-439 of May 24, 2012

THIS MODIFICATION TO AN AGREEMENT entered in on the 24th day of May, 2012, is hereby amended by Modification No. 1 dated July 26, 2012, by and between the CITY OF HUNTSVILLE, ALABAMA, a municipal corporation in the State of Alabama (OWNER) and LBYD, INC.-CIVIL & STRUCTURAL ENGINEERS, (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated May 24, 2012, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to include the incorporation of three (3) fountains within Lake F.

WHEREAS, the Owner desires that the contract drawings be altered to be consistent with Attachment "A" hereto.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. LBYD, Inc.-Civil & Structural Engineers will provide for the incorporation of three (3) fountains within Lake F at a lump sum total amount of TWO THOUSAND FOUR HUNDRED TWENTY-NINE AND NO/100 DOLLARS (\$2,429.00).
2. Item #1 shall be performed in accordance with the original agreement dated May 24, 2012, and approved by the City Council by Resolution No. 12-439, and as described in the letter from Rick Nail to Ron Adams, dated June 21, 2012, shown as Attachment "A".

President of the City Council of the City of
Huntsville, AL
Date: July 26, 2012

3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract as modified previously.
4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.


GIVEN under my hand and official seal this the _____ day of _____ 2012.

Notary Public
My Commission Expires: _____

ENGINEER: LBYD, INC.-CIVIL &
STRUCTURAL ENGINEERS

By: 
Richard A. Nail

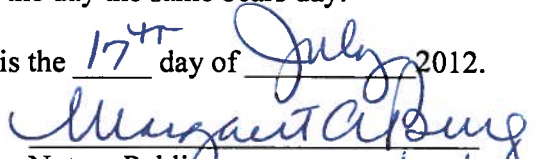
ATTEST:



STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Richard A. Nail, as Senior Principal, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 17th day of July, 2012.


Notary Public
My Commission Expires: 3/24/15

Additional Services Authorization #1 Pkg I

Date
June 21, 2012

To
**City of Huntsville
Urban Development Department
Engineering Division
P.O. Box 308
Huntsville, AL 35804-0308**

Project No.
302-10-002A
Project
**Redstone Gateway
Package I - Lake F**



Attention
Ron Adams

From
Rick Nail

Transmitting Via: ☐ Facsimile ☒ Email ☐ U.S. Mail ☐ Delivery

The terms of our original agreement shall apply for Redstone Gateway Phase 1 Package I - Lake F, City Project I.D Number 65-12-SP23:

Our scope of services is revised to include the following for Phase 1, Package I:

- o Lake Fountains Design - This task will include the incorporation of three fountains within Lake F. LBVD and GreenView Studio will coordinate the location of these fountains and prepare the plans and specifications associated with them as part of our current contract. However, electrical services for these fountains were not included in the original scope. Power service will be brought from the Market Street electrical infrastructure. We would propose a lump sum fee of \$2,429 for the electrical design. Note that these fees include the 5% markup for Tetra Tech.

Proposed Lump Sum Fees:

Lake Fountains Electrical Design - \$2,429

Proposed Contract Time Extension:

All of the above modifications will not cause a delay in the schedule. Therefore, we do not request any time extension to our original contract due date.

Requested of LBVD by: **Rick Nail**

If the terms above are acceptable please sign and return a copy of this form.

Accepted By:

Date:



TETRA TECH, INC.

CHANGE ORDER FOR ENGINEERING SERVICES - ATTACHMENT 1A

Order No.: 003

Date: 05/30/12

Contract No.:

PROJECT: Gateway Lighting Design

TETRA TECH PROJECT NO.: 200-67870-11001

CLIENT: LBYD, Inc.

TO: Rick Nail

Consideration for the following change in scope is requested:

Item No. / Type	Description of Changes (* Indicates Supplemental Information Attached)	DECREASE (in contract price)	INCREASE (in contract price)
1 L/S	Design and construction administration services for three (3) fountains		\$2,313.00
2			
3			
4			
5			
LS = Lump Sum		TOTALS (\$0.00)	\$2,313.00
TM = Time and Materials		NET CHANGE IN CONTRACT PRICE ---	\$2,313.00

JUSTIFICATION:

Items not in scope of original contract.

The Amount of the Contract Prior to This Change Order Was: \$40,078.00The amount of the Contract will be Increased By the Sum Of: \$2,313.00The Total Including This and Previous Change Orders Will Be: \$42,391.00The Date of Substantial Completion Prior to This Change Order Was: N/AThe Contract Period Provided for Completion Will Be Increased By: N/AThe Date of Substantial Completion After This Change Order Will Be: N/A

This document will become a supplement to the contract and all provisions will apply hereto.

Owner

Authorizing Agent

Date

Engineer Representative

Project Manager

5/30/2012

Date